

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ROBERT STEVEN NICKLAY,

Petitioner,

Case No. 1:08CV330

v.

Hon. Robert J. Jonker

TAMMIE BRAND, Corrections Clerk,

Respondent.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on August 29, 2008. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C). Accordingly,

**IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed August 29, 2008, is approved and adopted as the opinion of the court.

**IT IS ORDERED** that this matter is dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2).

**IT IS FURTHER ORDERED** that the Court finds no good faith basis for appeal under 28 U.S.C. § 1915(a)(3).

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/s/Robert J. Jonker

ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE

Dated: October 27, 2008